

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

ALAN SADHWANI *et al.*,

Civil Case No. 03-00036

Plaintiffs,

vs.

HONGKONG AND SHANGHAI
BANKING CORPORATION, LTD., *et al.*,

Defendants.

ORDER

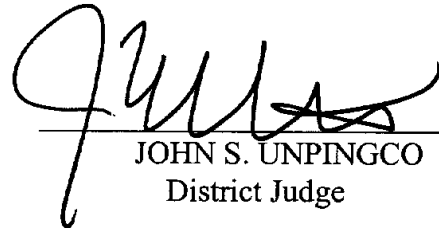
The Court has pending before it two *ex parte* applications filed by defendant Hongkong and Shanghai Banking Corp., Ltd. ("HSBC"). On April 29, 2004, HSBC filed an *Ex Parte* Application for an Order Certifying the Denial of HSBC's Motion to Strike Jury Demand for Immediate Appeal Pursuant to 28 U.S.C. § 1292(b) and to Stay Proceedings Pending Appeal ("Application for Interlocutory Appeal"). Additionally, on April 30, 2004, HSBC filed an *Ex Parte* Application for Order Staying All Depositions Pending Determination of HSBC's Motion to Strike the First Amended Complaint in Whole or in Part, or, in the Alternative, Motion to Dismiss the Third and Sixth Causes of Action and Sanctions ("Application to Stay Depositions").

As for the Application for Interlocutory Appeal, the Court DENIES said application. The Court is not of the opinion that its Order which denied HSBC's Motion to Strike Jury Demand "involves a controlling question of law as to which there is substantial ground for difference of opinion." 28 U.S.C. § 1292(b). Nor does the Court believe that "an immediate appeal from the [O]rder [will] materially advance the ultimate termination of the litigation." *Id.*

1 As to HSBC's Application to Stay Depositions, HSBC seeks to preclude further
2 depositions until the Court rules on HSBC's Motion to Strike. HSBC argues that its motion has
3 the potential of altering the scope and nature of the Plaintiffs' claims, which in turn would affect
4 the scope of permissible discovery. Thus, HSBC urges the Court to preclude further depositions
5 which it contends would be a "gross waste of time and monies."

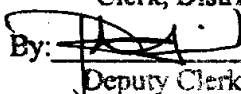
6 The Court disagrees with HSBC's assertion as it is too speculative. Instead, the Court
7 views the Application to Stay Depositions as a delay tactic. The Court has already denied
8 HSBC's first Motion to Dismiss the Complaint and its previous Motion to Stay. The Court
9 determined that the Plaintiffs have presented valid causes of action which should proceed to trial.
10 Further delay in the discovery process is just a waste of time and would needlessly postpone the
11 trial. Accordingly, the Court DENIES the Application to Stay Depositions.

12 SO ORDERED this 30th day of April, 2004.

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15 JOHN S. UNPINGCO
16 District Judge
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23 Notice is hereby given that this document was
24 entered on the docket on MAY 03 2004.
25 No separate notice of entry on the docket will
26 be issued by this Court.

27 Mary L. M. Moran
28 Clerk, District Court of Guam

By:  MAY 03 2004
Deputy Clerk Date